

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

INVENTORS: Jeffrey C. Hays  
ASSIGNEE: ZINGBACK, INC.  
SERIAL NUMBER: n/a  
DATE FILED: n/a  
INT'L PUB. NO.: WO 03/077515 A1  
INT'L PUB. DATE: 18 September 2003  
PCT INT'L APP. NO.: PCT/US03/07077  
INT'L FILING DATE: 7 March 2003  
PRIORITY DATE: 7 March 2002  
TITLE: MESSAGE DELIVERY AND ACQUISITION SYSTEM  
ATTORNEY DOCKET: 4473 P

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**VERIFIED STATEMENT (DECLARATION)  
CLAIMING SMALL ENTITY STATUS**

**--INDEPENDENT INVENTOR--  
(37 CFR 1.9(c), (f) and 1.27(b))**

Honorable Commissioner:

As the below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR § 1.9(c) for the purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled **MESSAGE DELIVERY AND ACQUISITION SYSTEM** described in a patent application filed herewith.

I have not assigned, granted, conveyed or licensed and I am not under any obligation under contract or law to assign, grant, convey or license any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR § 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR § 1.9(d) or a nonprofit organization under 37 CFR § 1.9(e).

I acknowledge the duty to file, in this application or patent, notification of any change in

*Ex. Mailing Label: ER980878338US*

status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the due date on which status as a small entity is no longer appropriate. (37 CFR § 1.28(b)).

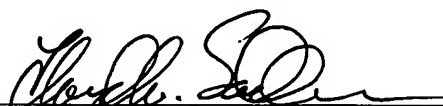
I hereby declare that all statements made herein are of my own knowledge and are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Signature of Inventor: \_\_\_\_\_

Name of Inventor: Edmond Kenneth Joseph

Date: \_\_\_\_\_

Although the inventor is not presently available to sign this declaration for small entity status, the applicant's patent counsel has been verbally assured that the inventor is qualified to submit this application as a small entity.

  
\_\_\_\_\_  
Lloyd W. Sadler, Attorney Reg. No. 40,154

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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ASSIGNEE: ZINGBACK, INC.  
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**VERIFIED STATEMENT (DECLARATION)  
CLAIMING SMALL ENTITY STATUS**

**--SMALL BUSINESS CONCERN--  
(37 CFR 1.9(f) AND 1.27(c))**

Honorable Commissioner:

I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern identified below and that I am  
empowered to act on behalf of said corporation:

NAME OF CONCERN: Zingback, Inc.

ADDRESS OF CONCERN: 405 E 12450 S  
Suite E  
Draper, UT 84020

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I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR § 121.3-18, and reproduced in 37 CFR § 1.9(d) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the business concern, including those of its affiliates, does not exceed 500 persons. For the purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled **MESSAGE DELIVERY AND ACQUISITION SYSTEM** by the above-named inventors described in

- ☒ the specification filed with this declaration.
- ☐ application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.
- ☐ Patent No. \_\_\_\_\_, issued \_\_\_\_\_.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR § 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR § 1.9(d), or a nonprofit organization under 37 CFR § 1.9(e).

- ☒ no such person, concern or organization exists.
- ☐ each such person, concern or organization is listed below:

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

INDIVIDUAL                      SMALL BUSINESS ENTITY  
NONPROFIT ORGANIZATION

I acknowledge the duty of the small business concern to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the due date on which status as a small entity is no longer appropriate. (37 CFR § 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.


On Behalf of: Zingback, Inc..

NAME OF PERSON SIGNING: \_\_\_\_\_

TITLE OF PERSON SIGNING: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

Although an officer of Zingback, Inc. is not presently available to sign this declaration for small entity status, the applicant's patent counsel has been verbally assured that the assignee is qualified to submit this application as a small entity.

  
\_\_\_\_\_  
Lloyd W. Sadler, Attorney Reg. No. 40,154

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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Alexandria, VA 22313-1450

**DECLARATION FOR PATENT APPLICATION**

Honorable Commissioner:

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am an original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **MESSAGE DELIVERY AND ACQUISITION SYSTEM** the specification of which

☒ is attached hereto  
☐ was filed on \_\_\_\_\_  
as Application Serial No. \_\_\_\_\_  
and was amended on \_\_\_\_\_ (if applicable).

which is an application in the national stage of the PCT, described and claimed in PCT International Application Number PCT/US03/07077, having an international filing date of 7 March 2003, which in turn claims priority to U.S.

*Ex Mailing Label: ER98087833805*

Provisional Patent Application No. 60/362,491 having a priority date of 7 March 2002.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
(Number)	(Country)	(Date)	
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
(Number)	(Country)	(Date)	
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
(Number)	(Country)	(Date)	

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

Prior Provisional Application(s)	
<u>60/362,491</u>	<u>7 March 2002</u>
(Application No.)	(Filing Date)
_____	_____
(Application No.)	(Filing Date)
_____	_____
(Application No.)	(Filing Date)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) / PCT application(s) designating the US listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Prior United States/PCT Application(s):		
<u>PCT/US03/07077</u>	<u>7 March 2003</u>	<u>Pending</u>

(Application No.) (Int'l Filing Date) (Status - patented, pending, abandoned)

(Application No.) (Filing Date) (Status - patented, pending, abandoned)

(Application No.) (Filing Date) (Status - patented, pending, abandoned)

### Power of Attorney

I hereby appoint Lloyd W. Sadler (Reg. No. 40,154) and Daniel P. McCarthy (Reg. No. 36,600) as my representatives and attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. All communications should be directed to Mr. Sadler at the following address or telephone number:

Lloyd W. Sadler  
PARSONS BEHLE & LATIMER  
201 South Main Street, Suite 1800  
Salt Lake City, Utah 84111  
(801) 532-1234 - telephone  
(801) 536-6111 - facsimile

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of inventor: Jeffrey C. HAYS

Residence of inventor:

Address: 3544 Danish Road .  
City: Sandy  
State: Utah 84093  
Country: U.S.A.  
Citizenship: United States of America.

Post Office Address of Inventor:

Address: 3544 Danish Road .  
City: Sandy  
State: Utah 84093

Inventor's Signature: \_\_\_\_\_

Date: \_\_\_\_\_



Because the inventor is not presently available, this application is being submitted with the above declaration unsigned. The applicant intends to submit the required declaration and fee during the permitted time following the receipt of a Notice of Missing Parts. Thank you.

A handwritten signature in black ink, appearing to read "Lloyd W. Sadler", written over a horizontal line.

Lloyd W. Sadler, Attorney Reg. No. 40,154